

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOHN E. MAYE,

Defendant.

DECISION AND ORDER
08-CR-194S

1. On October 8, 2013, a jury convicted Defendant John E. Maye, M.D., of 33 counts of unlawful distribution and dispensation by a physician of a controlled substance, in violation of 21 U.S.C. § 841 (a)(1). (Docket No. 252.) On June 25, 2014, this Court sentenced Defendant to, inter alia, 1 year and 1 day of imprisonment. (Docket No. 298.)

2. On July 17, 2014, Defendant filed the instant Motion for Release Pending Appeal and Stay of Sentence, pursuant to 18 U.S.C. § 3143 (b) and Rule 38 (b) of the Federal Rules of Civil Procedure. (Docket No. 307.) Alternatively, Defendant requests a stay of the date on which he must surrender to the United States Marshals so that he may attend his daughter's wedding on October 4, 2014. (Declaration of John E. Maye, Docket No. 307-2, ¶ 9.) The Court will reserve decision at this time on the request for a stay of sentence pending resolution of his appeal.

3. Defendant's alternative request will be granted. The government neither opposes this request nor challenges Defendant's assertion that he is not a danger to the community or a flight risk, and this Court finds that he is neither. This Court will therefore stay Defendant's surrender date through October 10, 2014, regardless of its ultimate decision on Defendant's motion for release pending resolution of his appeal. A decision on that motion will be issued shortly.

IT HEREBY IS ORDERED, that this Court will reserve decision on Defendant's Motion for Release Pending Appeal and Stay of Sentence (Docket No. 307).

FURTHER, that Defendant's surrender date is STAYED through October 10, 2014, regardless of the outcome of this Court's decision on that motion.

SO ORDERED.

Dated: August 11, 2014
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court